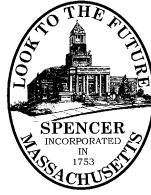


**TOWN OF SPENCER, MASSACHUSETTS**  
**OFFICE OF THE**  
**SEWER COMMISSION**

FRANCIS X. WHITE, CHAIRMAN  
LAWRENCE H. DUFAULT, CLERK  
MICHAEL J. MERCADANTE, MEMBER

MARK R. ROBIDOUX, SUPERINTENDENT



3 OLD MEADOW ROAD  
SPENCER, MA 01562  
TEL. 508-885-7541  
TTY 508-885-7525  
PLANT 508-885-7542

**Minutes of Meeting held March 25, 2014**

Meeting of the Board of Sewer Commissioners held at the Water Department, 3 Old Meadow Road, Spencer, MA. (Reports are on file at the Utilities & Facilities Office)

Members present: Francis "Frank" X. White  
Lawrence "Larry" H. Dufault  
Michael "Mike" J. Mercadante

Sewer staff present: Mark Robidoux, Supt  
Debra Graves, Sr. Clerk

Others: Michael Comiskey, SMOC  
Jared Otte, Bowditch & Dewey, LLP  
Mrs. Converse, Resident

Meeting was called to order at 5:00pm.

Main Street - Mrs. Converse would like sewer regulations changed to have the town be responsible for maintenance from building sewer line to the street. Current regulations have the owner responsible. Larry made a motion to keep current the Sec. 5 regulation (owner is responsible for maintenance of the building sewer from the building drain to the public sewer) and it was second by Mike. Frank abstained because he knew Mrs. Converse's son who was in attendance.

**Bixby Road Sewer – Proposed Vote**

1. To confirm and ratify the decision of the Commissioners dated May 15, 2013 with respect to the Bixby Road Sewers Sewer Permit Requirements set forth in the attached Exhibit A and extend the waiver of connection fees ("Option B" on Exhibit A) to the potential purchaser of 19 Bixby Road, South Middlesex Non-Profit Housing Corporation ("SMNPHC"), provided SMNPHC completes the requirements set forth in the "Main Agreement" section of the attached Exhibit A.

Larry made a motion to confirm and ratify the Bixby Road Sewers Sewer Permit Requirements as stated directly above in item (1.), seconded by Frank, and in favor, Mike.  
(See attached Exhibit A)

2. To approve an alternate plan to connect 42 residential units at 19 Bixby Road to Spencer Town Sewer via the frontage of the property and not via the existing sewer pipe running across the abutting Misty Hill Condominium in the event that SMNPHC is not able to secure the necessary easements from the Town of Spencer and the Misty Hill Condominium to tie into the existing line. This approval is subject to the Sewer Commissioners' reasonable review and acceptance of final plans for such proposal and made to provide SMNPHC assurance that accessing the sewer through the frontage of the property pursuant to an acceptable sewer design, including any necessary pumping stations, is a viable alternative to connecting via the existing line running across the Misty Hill Condominium property as set forth in the preceding vote.

Larry made a motion to accept the alternate plan as described directly above in item (2.), seconded by Mike, and in favor, Frank.

Public Meeting Adjourned at 5:32pm, motion by Mike, seconded by Frank, and in favor, Larry.

## EXHIBIT A

May 15, 2013

### Bixby Road Sewers Sewer Permit Requirements

#### Main Agreement

1. Pat Gallant agrees the required I & I will be completed per the February 8, 2008 Wright-Pierce study and the amendments contained in a response letter to the Sewer Commission dated September 26, 2008 prior to construction of any new sewers or residential units to be constructed on the property that is the subject of this agreement.
2. Pat Gallant constructs a parallel easement sewer across the lands owned by Misty Hill for his new construction project.
3. The existing sewer line that serves the (6) houses on the East side of Bixby Road, plus four additional future connections, will be connected to Pat Gallant's new parallel easement sewer.
4. Pat Gallant will install a new sewer manhole for either his new project and connect the houses above Misty Hill to his new sewer line, or if he uses the existing sewer manhole, he will disconnect Misty Hill and install a new dead-end manhole for Misty Hill's sewer line for maintenance purposes. If the existing manhole is used, or if the new manhole is located on Pat Gallant's property, Pat Gallant will provide an easement to Misty Hill.
5. Pat Gallant will secure and file all sewer easements for all existing properties.
6. This agreement shall inure to the benefit of and be binding upon the parties hereto as well as their successors, heirs, executors and assigns.

#### Option A

- For fifteen (15) years from the date of this agreement, Pat Gallant shall have the authority to tie in to said sewer lines located within the easement area, up to 42 residential units, containing 3 bedrooms or less. The parties agree that the tie in fee for any residential unit sought to be connected pursuant to this agreement shall be the lesser of the 50% of the tie in fee charged at the time of the tie in or 50% of the tie in fee (\$34,750) in effect as of fiscal 2010. No further reduction in fees will be sought after by either parties at any time.
- The town will take ownership of the existing sewer lines and manholes serving the (6) houses on the East side of Bixby Road, plus four additional future connections.

#### Option B

- All connection fees will be waived for Pat Gallant's new residential units, if Pat Gallant retains ownership and maintenance of the existing sewer lines and manholes serving the (6) houses on the East side of Bixby Road, plus four additional future connections.